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TOWNSEND AND TOWNSEND CREW LLP TWO EMBARCADERO CENTER, 8TH FLOOR SAN FRANCISCO, CA 94111			EXAMINER PARIKH, HARSHAD R	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/676,508	<b>Applicant(s)</b> SHIFTAN ET AL.	
	<b>Examiner</b> HARSHAD PARIKH	<b>Art Unit</b> 3687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 87,88,91,95-99,101,102,112,114,128-131 and 175-191 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 87,88,91,95-99,101,102,112,114,128-131 and 175-191 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/11/2009</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This Office action responds to the amendment and arguments filed by applicant on June 11, 2009 in reply to the previous Office action on the merits, mailed March 11, 2009.

#### **Prosecution History Summary**

- Claims 87-88 (2), 91 (1), 95-99 (5), 101-102 (2), 112 (1), 114 (1), 128-131 (4) and 175-190 (16) were pending in the instant application. (Total 32 claims)
- No new claims have been cancelled. (Total 0 claims)
- Hence, claims 87-88 (2), 91 (1), 95-99 (5), 101-102 (2), 112 (1), 114 (1), 128-131 (4) and 175-190 (16) are pending in the instant application. (Total 32 claims)
- Claim 191 has been added new. (Total 1 claim)
- Hence, claims 87-88 (2), 91 (1), 95-99 (5), 101-102 (2), 112 (1), 114 (1), 128-131 (4) and 175-191 (17) are now pending in the instant application. (Total 33 claims)
- Claims 87, 129, 177, 179 and 182 are amended. (Total 5 claims)

#### ***Response to Amendment***

The amendment of claims 87, 129, 177, 179 and 182 by applicant, in the reply filed on June 11, 2009 is hereby acknowledged.

The addition of a new claim 191 by applicant, in the reply filed on June 11, 2009 is hereby acknowledged.

#### ***Claim Rejections - 35 USC § 112, Second Paragraph***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 184-185 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The primary purpose of this requirement of definiteness of claim language is to ensure that the scope of the claims is clear so the public is informed of the boundaries of what constitutes infringement of the patent. A secondary purpose is to provide a clear measure of what applicants regard as the invention so that it can be determined whether the claimed invention meets all the criteria for patentability and whether the specification meets the criteria of 35 U.S.C. 112, first paragraph with respect to the claimed invention. In the instant invention, it is unclear about the meaning of the phrase "substantially off-line manner". Different persons can interpret a different scope for this phrase.

Claims 87 and 177 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The primary purpose of this requirement of definiteness of claim language is to ensure that the scope of the claims is clear so the public is informed of the boundaries of what constitutes infringement of the patent. A secondary purpose is to provide a clear measure of what applicants regard as the invention so that it can be determined whether the claimed invention meets all the criteria for patentability and whether the

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specification meets the criteria of 35 U.S.C. 112, first paragraph with respect to the claimed invention. In the instant invention, it is unclear about the meaning of the phrase “substantially off-line manner” and “remote system”. Different persons can interpret a different scope of these phrases. It excludes the phrase “generally” which has been used in the specification (Para 65). The base device is either on-line or off-line. The phrase “generally” is very vague and subject to different interpretations by different persons in the skill of art.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 87-88, 91, 95-99, 101-102, 112, 114, 128, 130-131 and 175-176 and 184 are rejected under 35 U.S.C. 102 (b) as being anticipated by Pitroda et al. (US 5,590,038), hereinafter referred to as Pitroda.

Referring to claim 87, Pitroda discloses a system for managing electronic receipts, comprising:

a base device (*See Pitroda: Fig 2: Item 23 (POS) in conjunction with item 26 (main central computer)*) communicatively coupled (*See Pitroda: Fig 2: Item 21 (CIU)*) to

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a portable device (*See Pitroda: Fig 2: Item 20 (UETC)*), the base device associated with an identifier (*See Pitroda: Col 17: Lines 1-5 (name of retail store)*), the base device (*See Pitroda: Fig 2: Item 23 (POS)*) storing a plurality of electronic receipt policies (*See Pitroda: Col 16: Line 5 through Col 17: Line (completes the transaction) (transaction includes receipt also. i.e. transaction documentation as needed) (receipt policy is essential to generate and to provide appropriate and all transaction details)*), the base device generating an electronic receipt corresponding to a transaction using a select policy of the plurality of electronic receipt policies (*See Pitroda: Col 17: Lines 1-5 (sales transaction --- etc)*), and the base device forwarding the generated electronic receipt to the portable device for storage; (*See Pitroda: Col 17: Lines 1-5 (UET card)*)

wherein which one of the plurality of policies is the select policy used for generating the electronic receipt depends on the transaction. (*See Pitroda: Col 16: Line 5 through Col 17: Line 5 (completes the transaction) (transaction includes receipt also. i.e. transaction documentation as needed)*)

wherein the base device is a point of sale device: (*See Pitroda: Fig 2: Item 23 (POS) in conjunction with item 26 (main central computer)*) and

wherein the point of sale device (*See Pitroda: Fig 2: **Item 23 (POS) in conjunction with item 26 (main central computer)***) generates the electronic receipt in a substantially offline manner such that it does not have to retrieve receipt relative information from a remote system to generate the electronic receipt using the transaction dependent select policy of the plurality of electronic receipt policies (*See Pitroda: Col 16: Line 65 through Col 17: Line 5 (If the sales person is satisfied with the*

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*signature comparison, the sales person **completes the transaction**, and the CIU transmits **completed details of the sales transaction to the point of sales computer**, the UET card, and the American Express service. Those details include the date of the transaction, the amount, the name of the retail store or service (for the UET card and the American Express service records), the name of the customer (for the American Express and point of sales computers))*

Referring to claim 88, Pitroda discloses the system of claim 87 wherein the select policy is associated with a service provider associated with the transaction. (See Pitroda: Fig 4 and 14, Col 6: Lines 15-40) (See Pitroda: Col 16: Line 5 through Col 17: Line (user selects --- American Express))

Referring to claim 91, Pitroda discloses the system of claim 87 wherein an administration system provides at least one of the plurality of electronic receipt policies. (See Pitroda: Fig 2, 4, 14 and 30) (See Pitroda: Col 16: Line 5 through Col 17: Line (completed details --- etc)) (transaction includes receipt as per requirement of data to be transmitted)

Referring to claim 95, Pitroda discloses the system of claim 87 wherein each administration system of a plurality of administration systems communicating with the base device provides at least one of the plurality of policies to the base device to allow the base device to generate electronic receipts accordingly. (See Pitroda: Col. 2, Lines

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60-65) (See Pitroda: Col 16: Line 5 through Col 17: Line (completed details --- etc))  
(transaction includes receipt as per requirement of data to be transmitted)

Referring to claim 96, Pitroda discloses the system of claim 95 wherein each administration system periodically updates at least one of the plurality of policies and forwards the at least one updated policy to the base device. (See Pitroda: Col. 2, Lines 60-65) (See Pitroda: Col 16: Line 5 through Col 17: Line (completed details --- etc))  
(transaction includes receipt as per requirement of data to be transmitted)

Referring to claim 97, Pitroda discloses the system of claim 95 wherein the base device is further configured to store a copy of the electronic receipt generated by the base device in a local receipt storage. (See Pitroda: Fig 2: Items 23 and 29) (See Pitroda: Col 17: Lines 1-5 (sales transaction --- POS computer --- etc))

Referring to claim 98, Pitroda discloses the system of claim 97 wherein contents of the local receipt storage are periodically uploaded to one of the plurality of administration systems. (See Pitroda: Col. 5, Lines 25-40) (See Pitroda: Col 17: Lines 1-5 (sales transaction --- American Express service --- etc))

Referring to claim 99, Pitroda discloses the system of claim 97 wherein a user of the portable device is able to use the base device to restore a deleted electronic receipt on that portable device by using contents of the local receipt storage. (See Pitroda: Fig



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2) (The user can access the main central computer from UETC or PC using main central computer (25) at any time (Fig 2)) (See Pitroda: Col. 5, Lines 25-40) (See Pitroda: Col. 10, Lines 10-25 (read /write, POS computers, special software))

Referring to claim 101, Pitroda discloses the system of claim 95 wherein the base device is further configured to store historical activity information relating to a plurality of electronic receipts generated by the base device in a local receipt activity log. (See Pitroda: Fig 2: Item 29: Transaction, time stamp and type of activity) (See Pitroda: Col 17: Lines 1-5 (date of transaction, completed details))

Referring to claim 102, Pitroda discloses the system of claim 101 wherein contents of the local receipt activity log are periodically uploaded to one of the plurality of administration systems. (See Pitroda: Fig 2: Items 23 and 29)

Referring to claim 112, Pitroda discloses the system of claim 87 wherein the plurality of electronic receipt policies correspond to a plurality of different service providers. (See Pitroda: Fig 4 and 14, Col 6: Lines 15-40) (See Pitroda: Col 17: Lines 1-5 (American express records))

Referring to claim 114, Pitroda discloses the system of claim 87 wherein information relating to the identifier is incorporated into the electronic receipt generated

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by the base device. (See Pitroda: Col. 6, Lines 15-40) (See Pitroda: Col 17: Lines 1-5 (name of store))

Referring to claim 128, Pitroda discloses the system of claim 87 wherein the electronic receipt is tamper-proof. (See Pitroda: Col. 6, Lines 15-40) (See Pitroda: Col 16: Line 5 through Col 17: Line (dynamic security, user signature))

Referring to claim 130, Pitroda discloses the system of claim 87 wherein the electronic receipt includes receipt status information. (See Pitroda: Col 17: Lines 1-5 (completed details of the sales))

Referring to claim 131, Pitroda discloses the system of claim 87 wherein the electronic receipt includes transaction identifying information. (See Pitroda: Col 17: Lines 1-5 (completed details of the sales))

Referring to claim 175, Pitroda discloses the system of claim 87 further comprising the portable device, and a user device in communication with the base device (See Pitroda: Col 10: Lines 10-45 (main central computer)), wherein a user manages a plurality of electronic receipts with the user device communicating with the portable device (See Pitroda: Fig 2: Items 20 and 24)), wherein the plurality of electronic receipts includes the generated electronic receipt. (See Pitroda: Col 17: Lines 1-5 (completed details of the sales))

Referring to claim 176, Pitroda discloses the system of claim 87 further comprising an administration system coupled to the base device, wherein the administrative system determines the select policy from the plurality of electronic receipt policies and downloads the select policy to the base device, the select policy corresponding to a service provider associated with the transaction. (See Pitroda: Fig 2 Items 26 and 27, Col 6: Lines 15-40)

Referring to claim 184, Pitroda discloses the system of claim 87 wherein the base device communicates with the portable device in a substantially off-line manner. (See Pitroda: Fig 2: Item 23 (POS) and Item 20 (UETC)) (Only credit approval / authorization through on line or other means)

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Claims 177-178, 181 and 185 are rejected under 35 U.S.C. 102 (b) as being anticipated by Pitroda.

Referring to claim 177, Pitroda discloses a method of managing electronic receipts, comprising:

receiving a plurality of electronic receipt policies from one or more administrative systems at a base device, (*See Pitroda: Fig 2: Item 23 (POS) in conjunction with item 26 (main central computer)*) plurality of electronic receipt policies corresponding to different service providers; (*See Pitroda: Fig 2 Items 26, 27 and 29, Col 6: Lines 15-40*)

selecting a policy, using the base device, (*See Pitroda: Fig 2: Item 23 (POS) in conjunction with item 26 (main central computer)*) used to generate an electronic receipt associated with a transaction, the selected policy corresponding to a service provider associated with the transaction; (*See Pitroda: Fig 2 Items 26, 27 and 29, Fig 4 and 14, Col 6: Lines 15-40*) (*See Pitroda: Col 17: Lines 1-5 (completed details of the sales)*)

generating, at the base device, (*See Pitroda: Fig 2: Item 23 (POS) in conjunction with item 26 (main central computer)*) an electronic receipt using the selected policy; (*See Pitroda: Col 17: Lines 1-5 (completed details of the sales)*) and

forwarding, from the base device, (*See Pitroda: Fig 2: Item 23 (POS) in conjunction with item 26 (main central computer)*) the generated electronic receipt to a portable device communicating with the base device for receipt management, (*See Pitroda: Fig 20, 21 and 23*) (*See Pitroda: Col 17: Lines 1-5 (completed details of the sales)*)

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wherein the base device is a point of sale device (*See Pitroda: Fig 2: Item 23 (POS) in conjunction with item 26 (main central computer)*) and

wherein the point of sale device\_(*See Pitroda: Fig 2: **Item 23 (POS) in conjunction with item 26 (main central computer)***) generates the electronic receipt in a substantially offline manner such that it does not have to retrieve receipt relative information from a remote system to generate the electronic receipt using the selected policy of the plurality of electronic receipt policies.\_(*See Pitroda: Col 16: Line 65 through Col 17: Line 5 (If the sales person is satisfied with the signature comparison, the sales person **completes the transaction**, and the CIU transmits **completed details of the sales transaction to the point of sales computer**, the UET card, and the American Express service. Those details include the date of the transaction, the amount, the name of the retail store or service (for the UET card and the American Express service records), the name of the customer (for the American Express and point of sales computers)*))

Referring to claim 178, Pitroda discloses the method of managing electronic receipts of claim 177 wherein receipt management comprises receipt duplication, receipt storage, receipt sharing, receipt deletion, and receipt restoration by a user. (See Pitroda: Fig 20 and 24)

Referring to claim 181, Pitroda discloses the method of managing electronic receipts of claim 177 further comprising automatically deleting the generated electronic

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receipt on the portable consumer device if the electronic receipt is confirmed for deletion. (See Pitroda: Col 17: Lines 1-5 (completed details of the sales)) (Provided that it has "auto delete function" feature when receipt was originally generated) (Provided the receipt is still on portable device)

Referring to claim 185, Pitroda discloses the method of claim 185 wherein forwarding the generated electronic receipt occurs in a substantially off-line manner. (See Pitroda: Fig 2: Item 23 (POS) and Item 20 (UETC)) (Only credit approval / authorization through on line or other means)

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 129, 179, 187, 186 and 180 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitroda in view of Marshall et al. (US 2003/0055733 A1) hereinafter referred to as Marshall.

The following refers to an independent claims 129 and 179 as well as dependent claims 187, 186 and 180.

Pitroda discloses all limitations of claim 87 and 177.

Referring to claim 129, Pitroda discloses a system for managing electronic receipts, comprising:

a base device (*See Pitroda: Fig 2: Item 23 (POS) in conjunction with item 26 (main central computer)*) communicatively coupled (*See Pitroda: Fig 2: Item 21 (CIU)*) to a portable device, (*See Pitroda: Fig 2: Item 20 (UETC)*) the base device (*See Pitroda: Fig 2: Item 23 (POS) in conjunction with item 26 (main central computer)*) associated with an identifier, (*See Pitroda: Col 17: Lines 1-5 (name of retail store)*) the base device storing a plurality of electronic receipt policies, (*See Pitroda: Col 16: Line 5 through Col 17: Line (completes the transaction) (transaction includes receipt also. i.e. transaction documentation as needed) (receipt policy is essential to generate and to provide appropriate and all transaction details)*) the base device generating an electronic receipt corresponding to a transaction using a select policy of the plurality of electronic receipt policies, (*See Pitroda: Col 17: Lines 1-5 (sales transaction --- etc)*) and the base device forwarding the generated electronic receipt to the portable device for storage; (*See Pitroda: Col 17: Lines 1-5 (UET card)*)

wherein which one of the plurality of policies is the select policy used for generating the electronic receipt depends on the transaction, (*See Pitroda: Col 16: Line 5 through Col 17: Line 5 (completes the transaction)*) (*transaction includes receipt also. i.e. transaction documentation as needed*)

wherein the base device is a point of sale device, (*See Pitroda: Fig 2: Item 23 (POS) in conjunction with item 26 (main central computer)*)

Referring to claim 179, Pitroda discloses a method of managing electronic receipts, comprising:



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receiving a plurality of electronic receipt policies from one or more administrative systems, (See Pitroda: Fig 2: Item 23 (POS) in conjunction with item 26 (main central computer)) the plurality of electronic receipt policies corresponding to different service providers; (See Pitroda: Fig 2 Items 26, 27 and 29, Col 6: Lines 15-40)

selecting a policy used to generate an electronic receipt associated with a transaction, the selected policy corresponding to a service provider associated with the transaction; (See Pitroda: Fig 2 Items 26, 27 and 29, Fig 4 and 14, Col 6: Lines 15-40) (See Pitroda: Col 17: Lines 1-5 (completed details of the sales))

generating an electronic receipt using the selected policy; (See Pitroda: Col 17: Lines 1-5 (completed details of the sales)) and

forwarding the generated electronic receipt to a portable device communicating with the base device for receipt management, (See Pitroda: Fig 20, 21 and 23) (See Pitroda: Col 17: Lines 1-5 (completed details of the sales))

wherein the base device is a point of sale device, (See Pitroda: Fig 2: **Item 23 (POS) in conjunction with item 26 (main central computer)**)

Pitroda does not explicitly give validity period as one of the receipt feature or deletion of the receipt.

However, referring to claim 129, Marshall teaches a system for managing electronic receipts, comprising:

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wherein the electronic receipt includes a validity period. (See Marshall: Para 31 (older than 90 days))

Additionally, referring to claim 179, Marshall teaches a method of managing electronic receipts, comprising:

wherein receipt management comprises deletion, by a base device, of an electronic receipt stored on the portable device if the electronic receipt is invalid or confirmed for deletion. (See Marshall: Para 35 (transmitting the edited or second electronic receipt to the customer's mobile device), Para 35 (deleting the first electronic receipt))

Therefore, it would have been obvious to one of ordinary skills in the art, at the time of invention, to have modified the system of Pitroda so as to include a time frame during which the transaction would remain acceptable for various actions such as return, refund. The modification can include the transmission of the revised or deleted version of the transaction. A receipt is a documentation of the transaction and a validity period or the revised status can be essential in some cases and since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

The following refers to claims 187, 186 and 180.

Pitroda discloses all limitations of claim 87 and 177.

Pitroda discloses an invention using an Universal electronic transaction (UET) card in a system with POS device and a central computer to complete different types of electronic transactions related to goods, services and service providers, then generates all details of the transaction and provides this receipt (documentation) to UET, POS and service provider US. Generating a receipt is one of the ingredients of the entire transaction. Details of the goods and services and its cost as well as real means of payment (cash or credit) are important steps of the transaction.

Pitroda does not explicitly give validity period as one of the receipt feature.

However, referring to claim 187, Marshall teaches the system of claim 87 wherein the plurality of receipt policies include different receipt validity periods. (See Marshall: Para 31 (older than 90 days))

Referring to claim 186, Marshall teaches the method of claim 177 wherein the plurality of receipt policies include different receipt validity periods. (See Marshall: Para 31 (older than 90 days))

Referring to claim 180, Pitroda and Marshall jointly teach the method of managing electronic receipts of claim 177 further comprising automatically deleting the generated electronic receipt on the portable consumer device upon the end of a validity

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period. (See Pitroda: Col 17: Lines 1-5 (completed details of the sales)) (Provided that it has "time based delete" feature when receipt was originally generated) (Provided the receipt is still on portable device)

(See Marshall: Para 31 (older than 90 days))

(See Marshall: Para 35 (transmitting the edited or second electronic receipt to the customer's mobile device), Para 35 (deleting the first electronic receipt))

Claims 182-183 and 191 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitroda in view of Marshall et al. (US 2003/0055733 A1) hereinafter referred to as Marshall.

The following refers to claims 182-183 and 191.

Referring to claim 182, Pitroda discloses a method of managing electronic receipts, comprising:

identifying an electronic receipt of a plurality of electronic receipts on a portable device using an identifier associated with a base device used in an associated transaction, wherein the base device is a point of sale device; (See Pitroda: Fig 23, 26, 27, 29, Col 6: Lines 15-40) (See Pitroda: Fig 2: Item 23 (POS)) and

verifying the electronic receipt using the base device; (See Pitroda: Col 17: Lines 1-5 (completed details of the sales, POS computer))

Pitroda does not explicitly recite the limitation related to retrieve the electronic transaction from the portable device and complete the transaction.

However, Referring to claim 182, Marshall teaches a method of managing electronic receipts, comprising:

identifying an electronic receipt of a plurality of electronic receipts on a portable device using an identifier associated with a base device used in an associated transaction, wherein the base device is a point of sale device; (See Marshall: Para 12

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(an **electronic receipt may** be a data file that includes a list of property purchased, the price that property was purchased for, the date of the transaction, and **the digital signature of the merchant from whom the property was purchased**. This data file may also, for example, include a **unique identifier**), a plain text identifier, Para 13 (electronic receipt terminal is a device, which may be coupled to a merchant's point of sales terminal, that receives information about a commercial transaction from the point of sale terminal, creates an electronic receipt of that transaction, and transmits the electronic receipt to another device.))

verifying the electronic receipt using the base device; (See Marshall: Para 31 (merchant's electronic receipt system may **verify that the electronic receipt is valid**.)

retrieving the electronic receipt using the base device from the portable device after verifying the electronic receipt; (See Marshall: Para 30 (A customer may present an **electronic receipt stored in the customer's mobile device** to the **merchant's electronic receipt terminal**) (may present the **grocer's terminal** with an **electronic receipt of the commercial transaction** created when the mop was purchased)

conducting a transaction with the point of sale device using the retrieved electronic receipt. (See Marshall: Para 32 (if the customer **wished to return an item**, action 242 illustrates that the merchant may mark the **items returned as returned on the electronic receipt** and, as shown by action 244, **issue a refund or store credit to the customer's account**. Continuing the above specific example, the grocer **might edit** the electronic receipt to **show that the defective mop was returned and credit the customer's credit card**, possibly getting the customer's account number from the

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electronic receipt, the appropriate amount.)

Therefore, it would have been obvious to one of ordinary skills in the art, at the time of invention, to have modified the system of Pitroda so as to include a feature to retrieve the previously generated electronic receipt from POD and complete the transaction. Submitting a receipt at the store for any complaint, exchange or return is commonly used practice and implementing this at the POS is economically feasible and since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Additionally, referring to claim 183, Pitroda discloses the method of managing electronic receipts of claim 182, wherein verifying the electronic receipt comprises:

validating the electronic receipt using the base device; (See Pitroda: Fig 2: Item 23 (POS) (a typical computer with a database) and

verifying user access to the electronic receipt using the base device. (See Pitroda: Fig 23, 26, 27, 29, Col 6: Lines 15-40) (See Pitroda: Col 16: Lines 20-65 (signature comparison))

Additionally, referring to claim 191, Marshall teaches the method of managing electronic receipts of claim 182, wherein identifying an electronic receipt the electronic receipt further comprises:

querying the portable device to select the electronic receipt from the plurality of

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electronic receipts. (See Marshall: Para 30 (a customer may present an electronic receipt stored in the customer's mobile device to the merchant's electronic receipt terminal), Fig 2 Step 220)



Claim 189 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pitroda in view of Himmel et al. (US 6,898,598 A1), hereinafter referred to as Himmel.

The following refers to claim 189.

Pitroda discloses all limitations of claim 87.

Pitroda discloses an invention using an Universal electronic transaction (UET) card in a system with POS device and a central computer to complete different types of electronic transactions related to goods, services and service providers, then generates all details of the transaction and provides this receipt (documentation) to UET, POS and service provider US. Generating a receipt is one of the ingredients of the entire transaction. Details of the goods and services and its cost as well as real means of payment (cash or credit) are important steps of the transaction.

Pitroda does not explicitly give retrieval conditions as one of the receipt feature.

However, referring to claim 189, Himmel teaches the system of claim 87 wherein the plurality of receipt policies include different conditions for receipt retrieval. (See Marshall: Abstract (search parameters, retrieved electronic receipt))

Therefore, it would have been obvious to one of ordinary skills in the art, at the time of invention, to have modified the system of Pitroda so as to include details about retrieval of the receipt. Occasionally the customer with the electronic receipt may desire to retrieve the receipt and to have the information as to when and how it can be done is helpful and since so doing could be performed readily and easily by any person of

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ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

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Claims 188 and 190 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitroda in view of Smith et al. (US 6,487,540 B1) hereinafter referred to as Smith.

The following refers to claims 188 and 190.

Pitroda discloses all limitations of claim 87.

Pitroda discloses an invention using an Universal electronic transaction (UET) card in a system with POS device and a central computer to complete different types of electronic transactions related to goods, services and service providers, then generates all details of the transaction and provides this receipt (documentation) to UET, POS and service provider US. Generating a receipt is one of the ingredients of the entire transaction. Details of the goods and services and its cost as well as real means of payment (cash or credit) are important steps of the transaction.

Pitroda does not explicitly give security requirement as one of the receipt feature.

However, referring to claim 188, Smith teaches the system of claim 87 wherein the plurality of receipt policies include different receipt security requirements. (See Smith: Col 6: Lines 15-20 (some or all, encrypted, coded))

Referring to claim 190, Smith teaches the system of claim 87 wherein the plurality of receipt policies include different purchase receipt management policies. (See

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Smith: Col 6: Lines 25-30 and 50-55 (receipt management information))

Therefore, it would have been obvious to one of ordinary skills in the art, at the time of invention, to have modified the system of Pitroda so as to include details about security aspects (method and information) as well as management information of the receipt. Security of the information is of great and serious importance and since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

***Response to Arguments***

Applicant's arguments filed on June 11, 2009 with respect to the pending claims were considered but are not persuasive.

35 U.S.C. §112, Second Paragraph

The Applicants argue and believe that the rejection for claims 184-185 under 35 U.S.C. §112-second paragraph should be removed because it is supported and explained in the specification (Para 22 and 65).

The Examiner notes, after a careful review that Para 22 discusses the word substantial only with reference to the execution in real or non real time. It says that base device communicates in a real time basis with system 24. Again no specific details for "real time" are provided and are open for different interpretations. Para 65 discusses the same subject with additional ambiguity with the phrase "generally". Generally does not mean all times and under what conditions it retrieves the information from a remote location. Again no specific details for "substantially" and "generally" are provided and are open for different interpretations.

35 U.S.C. §102

Examiner has carefully reviewed all claims in reference to the amended claims. These claims have been rejected as discussed above. Additional details have been provided.

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Independent Claims 87 and 177

The Applicants argue that Pitroda combines CIU 21, POS 23, and the main central computer 26, to anticipate the "base device" of the instant claims.

The Examiner notes, after a careful review that CIU 21 and POS 23 are just the integral parts of the POS. Pitroda has identified CIU as a separately identified number for convenience. POS (23) and the central computer (26) (commutatively coupled) jointly represent components 14, 24 and 26 of the present application together which are communicatively coupled. In a communicably coupled computer system different modules and subcomponents can be resident in different configurations without affecting its integrity.

The Applicants argue that Pitroda does not have a "plurality of receipt policies" in an F. a POS device.

The Examiner notes, after a careful review that Pitroda recites POS (23) and the central computer (26) (commutatively coupled) components having "plurality of receipt policies".

Pitroda discloses a system where POS completes the transaction for goods and services with all necessary details of the goods and services. It gets appropriate authorization for the financial transaction from a variety of sources, generates the receipt, and sends it to UETC as well as other institutions as needed with appropriate details and accuracy. It stores the receipts locally on POS. POS has all details necessary to generate an acceptable receipt (A receipt is one of the steps of an overall

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transaction) to all parties involved. Thus it has the required policies for its use. (See Pitroda: Col 16: Line 5 through Col 17: Line 5 (completes the transaction)) (Transaction includes receipt also. i.e. transaction documentation as needed). Thus, POS is not merely a pass through between the main central computer 26 and a UET card 20. It has the capability to complete the transaction (including the receipt) with all necessary details and necessary requirements. It should also be noted that Pitroda's system can deal with different service providers and it operates in an off-line manner to complete the transaction (except authorization).

The Applicants argue that the observations based on the functionality are probabilities or possibilities and cannot be anticipated by the person of ordinary skill in the art.

The Examiner notes, after a careful review that these observations (POS has all details and appropriate policy) are very basic in nature and can be anticipated by the person of ordinary skill in the art. As stated earlier, the tasks are configured among the communicatively coupled components of the system.

Additionally, The Applicants argue that Pitroda does not teach or suggest generation of the receipt in a substantially off line manner.

The Examiner notes, after a careful review, that the phrase "substantially" is very ambiguous. It is subject to different interpretations. The reference to specification (Para 22 and 65) is equally vague. Para 65 refers to the word generally. There are no guidelines to decide the feature of generality and substantiality. Use or retrieval of one of piece of information to generate the receipt is sufficient to call it on line. Again, POS

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and Items 24 and 26 are always connected; hence they are on line and can be treated as only on line. The amended claims are examined with the broadest interpretation.

Independent Claims 129 and 179

The Applicants argue that Pitroda does not disclose the limitation related to validity of the receipt as well as the deletion of the receipt.

The Examiner notes, after a careful review, that the argument is persuasive. The claims have been reexamined and are discussed in this office action.

Independent Claim 182

The Applicants argue that Pitroda does not disclose the limitation related to an identifier associated with a base device and retrieving the receipt from the portable device to a base device.

The Examiner notes, after a careful review, that the argument is persuasive. The claim has been reexamined and is discussed in this office action. Marshall teaches the concept of a merchant digital signature in various forms including a plain text identifier.

Section 103 Rejections:

The Applicants argue that these claims are allowable because the independent claims are allowable.

The Examiner notes, after a careful review, that independent claims are still not allowable.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HARSHAD PARIKH whose telephone number is



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(571)270-5468. The examiner can normally be reached on Monday through Thursday 9 AM-5 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew S Gart/  
Supervisory Patent Examiner, Art  
Unit 3687

/HRP/  
Oct 13, 2009